

REMARKS

Claims 2, 3, 5 and 12 have been canceled, and claims 21-29 have been added. Thus, claims 1, 4, 6-11, and 13-29 are pending.

Independent claim 1 has been amended to include the limitations of claims 2, 3 and 5, as filed, and independent claim 11 has been amended to include the limitations of claim 12, as filed. In addition, claims 7 and 10 have each been rewritten as an independent claim including all the limitations of its base claim. New independent claim 21 includes similar limitations to that recited in claims 11 and 12, as filed, and the subject matter recited in new claims 22-29 correspond to those recited in claims 13-20, as filed. No new matter was added. Accordingly, Applicant respectfully submits that the present application is in condition for allowance for reasons previously determined by the Examiner.

I. Claim Objections

In the Office Action, the Examiner objects to informalities in claims 1, 11, 18 and 19.

With respect to claim 1, the Examiner states that it “is unclear as to how the claimed cap can be urged toward an element it is already ‘carried by’/connected/attached to.” In response to the Examiner’s above statement, claim 1 has been amended to require “a shoe cap extending transversely of said housing for engaging said shock absorbing assembly”. No new matter was added. For example, see FIG. 3 of the present application, as filed, for the disclosure of a shoe cap (38) that extends transversely of the housing (32) and that engages a shock absorber assembly comprised of a stack of washers (44). Accordingly, Applicant respectfully submits that the above referenced informality has been overcome.

In addition, the Examiner states that: “if the leaf tail portion is already ‘in its bridge closed position’; how can the tail portion urge the shock absorbing assembly toward said housing? Isn’t the shock absorbing assembly urged toward the top of the housing, while the leaf tail portion is in motion toward the bridge closed position?” Paragraph No. 0002 of the present application, as filed, states that shock loading is experienced “both when the leaf is closing into its fully seated position and when the leaf is closed with heavy traffic crossing the span.” However, to comply with the Examiner’s request, claim 1 has been amended to merely require the shoe cap to be “urged toward said housing by said leaf tail portion”; the phrase “in its bridge closed position” has been deleted. Accordingly, Applicant respectfully submits that the above referenced informality has been overcome.

The typographical errors identified by the Examiner in claims 11, 18 and 19 have been corrected.

Accordingly, Applicant respectfully requests reconsideration and removal of the above referenced claim objections.

II. Claim Rejection - 35 USC §112, second paragraph

In the Office Action, the Examiner rejects claims 2-6 under 35 USC §112, second paragraph, as being indefinite. More specifically, the Examiner states that the “adjustable means” limitation recited in claim 2, as filed, is indefinite.

Claim 2 has been canceled, and its limitations have been rewritten into claim 1. To this end, claim 1 requires “means carried in said housing for setting a predetermined operating clearance between said shoe cap and said leaf tail portion, said means including matingly engaged threads between said housing and said shock absorbing assembly cooperable upon rotation of said shock absorbing assembly to effect shoe cap displacement”.

No new matter was added. See claims 2 and 3, as filed.

Applicant respectfully submits that claim 1, as amended, is in full compliance with the requirements of 35 USC §112, second paragraph. Accordingly, Applicant requests reconsideration and removal of the claim rejections.

III. Allowed Claims

In the Office Action, the Examiner states that claims 5-8, 10 and 12-19 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Independent claim 1 has been amended to include the limitations of claims 2, 3 and 5, as filed, and independent claim 11 has been amended to include the limitations of claim 12, as filed. In addition, claims 7 and 10 have each been rewritten as an independent claim including all the limitations of the base claim and any intervening claim.

Accordingly, Applicant submits that claims 1, 4, 6-11 and 13-20 are in condition for allowance.

New independent claim 21 is directed to a "static stabilizer". The body of the claim includes similar limitations to that recited in claims 11 and 12, as filed. No new matter was added. Accordingly, Applicant submits that new claims 21-29 are also in condition for allowance.

IV. Claim Rejections - 35 USC §102(b)

In the Office Action, the Examiner rejects: claim 1 as being anticipated by U.S. Patent No. 503,377 issued to Lamont; claims 1-4 and 9 as being anticipated by U.S. Patent No. 2,109,797 issued to Lubin; and claim 11 as being anticipated by U.S. Patent No. 4,599,834 issued to Fujimoto et al.

Based on the above referenced claim amendments, Applicant submits that these rejections are now moot.

V. Claim Rejection - 35 USC §103(a)

In the Office Action, the Examiner rejects claim 20 under 35 USC §103(a) as being obvious over U.S. Patent No. 4,599,834 issued to Fujimoto et al. in view of U.S. Patent No. 3,308,496 issued to Mooney et al.

Based on the above referenced claim amendments, Applicant submits that this rejection is now moot.

VI. Conclusion

In view of the above amendments and remarks, Applicant respectfully submits that the rejections have been overcome and that the present application is in condition for allowance. Thus, a favorable action on the merits is therefore requested.

Please charge any deficiency or credit any overpayment for entering this Amendment to our deposit account no. 08-3040.

Respectfully submitted,
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